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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,572	12/17/2001	Joey Chow	53921/168	6250
27871	7590	05/10/2004	EXAMINER	
BLAKE, CASSELS & GRAYDON LLP BOX 25, COMMERCE COURT WEST 199 BAY STREET, SUITE 2800 TORONTO, ON M5L 1A9 CANADA			NGUYEN, CINDY	
		ART UNIT	PAPER NUMBER	
		2171		
DATE MAILED: 05/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/015,572	CHOW ET AL.
	Examiner	Art Unit
	Cindy Nguyen	2171

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11, 13-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 December 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

This is in response to amendments filed 04/02/04 in which claims 1-18 are presented for examination.

Response to Arguments

Applicant's arguments with respect to claim 1-18 have been considered but are moot in view of the new ground(s) of rejection.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

I. *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-11, 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia et al. (U.S 6052803) (Bhatia) in view of Guha (U.S 5699369).**

Regarding claim 1, Bhatia discloses: A source selection system providing flow of data control in a communication switch for selecting a primary datasource for a data flow selected from a first and second data flow paths, said system comprising:

A first and a second communication modules, each communication module (1100 and 1200 fig. 10 and corresponding text Bhatia) providing

An internal communication path through a first datasource to said second datasource of the other communication module(fig. 11, 12, and corresponding text and col. 40, lines 20-40, Bhatia);

A communication link between said first datasource to said second datasource of the other communication modules (col. 38, lines 57-67, Bhatia);

However, Bhatia didn't disclose: a validation module associated with said second datasource adapted to monitor said first datasource of said first and second communication modules for transmission errors in output originating from said first datasource and adapted to provide information relating to said transmission errors. On the other hand, Guha discloses: a validation module (202, fig. 8 and corresponding text, Guha) associated with said second datasource adapted to monitor said first datasource of said first and second communication modules for transmission errors in output originating from said first datasource and adapted to provide information relating to said transmission errors (col. 28, lines 28-66, Guha). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include validation module as described above in the system of Bhatia as taught Guha. The

motivation being to enable the system connects the other subsystem for using to detect whether or not reflective memory updates are not accruing or detect if the front end computer has stopped receiving data from either of the process control computers.

a source selector (212, fig. 8 and corresponding text, Guha) associated with said validation module and said, first datasource of said each communication module said source selector adapted to select, an output datasource first datasources (col. 46, lines 1-53, Bhatia); and an assessment module associated with said validation module adapted to identify said primary datasource from said first datasources utilizing said information provided by said validation module and adapted to cause said source selector to select said output datasource associated with said primary datasource (214, fig. 8 and corresponding text, Guha).

Regarding claim 11, all the limitations of this claim have been noted in the rejection of claim 1 above. It is therefore rejected as set forth above.

Regarding claim 2, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Bhatia/Guha discloses: wherein said validation module comprises a plurality of validation sub-modules, each one of said plurality of validation sub-modules associated with one of said plurality of datasources (col. 28, lines 28-53, Guha).

Regarding claim 13, all the limitations of this claim have been noted in the rejection of claim 11 above. In addition, Bhatia/Guha discloses: further comprising the step of gathering information relating to health of said first datasource (col. 27, lines 42-67 , Bhatia).

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Regarding claims 3 and 14, all the limitations of these claims have been noted in the rejection of claims 2 and 13 above. In addition, Bhatia/Guha discloses: wherein said validation module performs an integrity check on data transmitted by said each datasource to provide information relating to transmission errors for said each datasource (col. 25, lines 13-33, Guha).

Regarding claims 4 and 15, all the limitations of these claims have been noted in the rejection of claims 3 and 14 above. In addition, Bhatia/Guha discloses: wherein said assessment module evaluates severity of said transmission errors provided in said information and causes said source selector to select said output datasource associated with said primary datasource based on said severity of said transmission errors for said each of said plurality of datasources (col. 20, lines 22-30, Guha).

Regarding claims 5 and 16, all the limitations of these claims have been noted in the rejection of claims 4 and 15 above. In addition, Bhatia/Guha discloses: wherein said integrity check on said data comprises a parity check and a cyclic redundancy check (col. 27, lines 42-67, Bhatia).

Regarding claims 6 and 17, all the limitations of these claims have been noted in the rejection of claims 5 and 16 above. In addition, Bhatia/Guha discloses: wherein said integrity check is performed on a payload portion of said data (col. 27, lines 42-67, Bhatia).

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Regarding claims 7 and 18, all the limitations of these claims have been noted in the rejection of claims 6 and 17 above. In addition, Bhatia/Guha discloses: wherein said integrity check is performed on a header portion of said data (col. 25, lines 27-33, Guha).

Regarding claim 8, all the limitations of this claim have been noted in the rejection of claim 7 above. In addition, Bhatia/Guha discloses: wherein said communication switch further comprises a plurality of output cards and an input card, said first and second data flow paths originating from one of said plurality of output cards and said source selector operating at input to said input card (col. 19, lines 43-58, Guha).

Regarding claim 9, all the limitations of this claim have been noted in the rejection of claim 8 above. In addition, Bhatia/Guha discloses: wherein at least one of said output cards comprises a component and said integrity check is performed upon said data being received by said component in said at least one of said output cards of said communication switch (col. 14, lines 12-48, Guha).

Regarding claim 10, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Bhatia/Guha discloses: wherein said source selector is a multiplexer (col. 29, lines 25-51, Guha).

3. Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Larsson et al. (U.S 6201811). Transferring identifier information in a telecommunications system.

Sederlund et al. (U.S 5568615). Stealth interface for process control computers.

Van Huben et al. (U.S 5950201). Computerized design automation method using a single logical PFVL paradigm.

4. Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CN
Cindy Nguyen
May 1, 2004

wayne
WAYNE AMSBURY
PRIMARY PATENT EXAMINER